

IN RE: RANDY HAROLD BAKER

#15-33764-SHB  
Chapter 13  
Filed 12/28/15  
Confirmed: March 4, 2016

### **NOTICE OF HEARING**

**Notice is hereby given that:**

**A hearing will be held on the Chapter 13 Trustee's Motion to Dismiss on September 18th, 2019 at 11:00 a.m., in the Courtroom 1C, located at U.S. Bankruptcy Court, Howard H. Baker, Jr. Courthouse, 800 Market St., Knoxville, TN 37902.**

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

**If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the motion and may enter and order granting that relief.**

### **TRUSTEE'S MOTION TO DISMISS**

The Chapter 13 Trustee moves to dismiss this case under 11 U.S.C. §1307 for the following reasons:

The debtor(s)' case as confirmed on March 4, 2016 provides that tax refunds in excess of \$500.00 be paid into the plan. In addition, the confirmed plan provides that if the debtor(s) is delinquent in plan payments at the time of the tax intercept, then the debtor(s)' portion of the refund shall be applied toward the plan arrearages.

The Trustee received a copy of the debtor(s) 2018 tax return which reflected a tax refund in the amount of \$9,397.00. The debtor(s) has failed to remit the plan portion **\$8,897.00** (\$9,397.00 - \$500.00 = \$8,897.00) of the tax refund to the Chapter 13 Trustee per the terms of the confirmed plan.

### **SUBMISSION AND CERTIFICATE OF SERVICE BY CHAPTER 13 TRUSTEE**

Based on information and belief, the Chapter 13 Trustee hereby certifies the correctness of the facts contained in this Motion to Dismiss and Notice of Hearing and hereby certifies that a true and exact copy of the same has been serviced by Electronic Case Filing (ECF) and/or by first class United States Mail (USM) postage prepaid on the following individuals as addressed below on August 15, 2019.

RANDY HAROLD BAKER / , DEBTOR(S) (USM)  
33 HEMLOCK DRIVE

PIPPA PASSES, KY 41844-

s/ Gwendolyn M. Kerney, w/perm. en  
Gwendolyn M. Kerney, #7280

RICHARD M. MAYER AND/OR JOHN P. NEWTON (ECF) Chapter 13 Trustee

LAW OFFICES OF MAYER & NEWTON  
Debtor(s) Attorney

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Tiffany Dilorio (ECF)  
U.S. Trustee's Office